

## REMARKS

Claims 1-22 are pending in the application. Claims 1-11 are withdrawn from consideration as being directed to a non-elected invention. In the non-final Office Action of December 4, 2006, the Examiner made the following disposition:

- A.) Rejected claims 18-20 under 35 U.S.C. §112, second paragraph.
- B.) Rejected claims 12, 13, 16, 17, and 19-21 under 35 U.S.C. 102(a) as being anticipated by *Tanaka (JP-2002110953)*.
- C.) Rejected claims 14, 15, and 22 under 35 U.S.C. §103(a) as being unpatentable over *Tanaka* in view of *Matsuda, et al. (JP11-40787)*.
- D.) Rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over *Tanaka* in view of *Yamaguchi, et al. (US 6,344,666)*.

Applicant addresses the Examiner's disposition below.

A.) Rejection of claims 18-20 under 35 U.S.C. §112, second paragraph:

Claims 18 and 20 have been amended as per the Examiner's request to overcome the objection.

Claim 19 has been canceled.

Applicant respectfully submits the objection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 12, 13, 16, 17, and 19-21 under 35 U.S.C. 102(a) as being anticipated by *Tanaka (JP-2002110953)*:

Applicant respectfully disagrees with the rejection.

Referring to Figure 3 as an illustrative example, independent claims 12, 16, and 21, each as amended, each claim subject matter relating to a single intra-layer lens 3 that is formed corresponding to a light-receiving portion 2. Part of uppermost layer wirings 7 and 8 positioned on both sides of the light-receiving portion 2 are asymmetrically disposed with respect to the light-receiving portion 2 (in the illustrative example, wiring 8 is closer to the light-receiving portion 2 than wiring 7). The intra-layer lens 3 is formed without being affected by the asymmetrical wirings 7 and 8.

This is clearly unlike *Tanaka*, which fails to disclose or suggest uppermost layer wirings positioned on both sides of a light-receiving portion that are asymmetrically disposed with respect to the light-receiving portion. Referring to *Tanaka* Figure 1, *Tanaka* teaches uppermost layer wirings 106 and 107 positioned on both sides of a light-receiving portion 102 that are clearly symmetrically disposed with respect to the light-receiving portion 102. In other words, *Tanaka*'s wirings 106 and 107 are symmetrically positioned and at an equal distance from each side of light-receiving portion 102. Unlike Applicant's claimed invention, nowhere does *Tanaka* disclose or suggest wirings positioned on both sides of a light-receiving portion that are asymmetrically disposed with respect to the light-receiving portion.

For at least this reason, *Tanaka* fails to disclose or suggest claims 12, 16, and 21.

Claims 13 and 20 depend directly or indirectly from claims 12 or 16 and are therefore allowable for at least the same reasons that claims 13 and 20 are allowable.

Claims 17 and 19 have been canceled.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Rejection of claims 14, 15, and 22 under 35 U.S.C. §103(a) as being unpatentable over *Tanaka* in view of *Matsuda, et al. (JP11-40787)*:

Applicant respectfully disagrees with the rejection.

Referring to Figure 3 as an illustrative example, independent claims 14 and 22, each as amended, each claim subject matter relating to a single intra-layer lens 3 that is formed corresponding to a light-receiving portion 2. Part of uppermost layer wirings 7 and 8 positioned on both sides of the light-receiving portion 2 are asymmetrically disposed with respect to the light-receiving portion 2 (in the illustrative example, wiring 8 is closer to the light-receiving portion 2 than wiring 7). The intra-layer lens 3 is formed without being affected by the asymmetrical wirings 7 and 8.

This is clearly unlike *Tanaka*, as discussed above. *Matsuda* also fails to disclose or suggest uppermost layer wirings positioned on both sides of a light-receiving portion that are asymmetrically disposed with respect to the light-receiving portion. Therefore, *Tanaka* in view of *Matsuda* still fails to disclose or suggest claims 14 and 22.

Claim 15 depends directly or indirectly from claim 14 and is therefore allowable for at least the same reasons that claim 14 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

D.) Rejection of claim 18 under 35 U.S.C. §103(a) as being unpatentable over *Tanaka* in view of *Yamaguchi, et al. (US 6,344,666)*:

Applicant respectfully disagrees with the rejection.

Claim 16 is allowable over *Tanaka* as discussed above. *Yamaguchi* still fails to disclose or suggest uppermost layer wirings positioned on both sides of a light-receiving portion that are asymmetrically disposed with respect to the light-receiving portion. Therefore, *Tanaka* in view of *Yamaguchi* still fails to disclose or suggest claim 16.

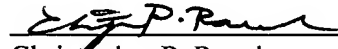
Claim 18 depends directly or indirectly from claim 16 and is therefore allowable for at least the same reasons that claim 16 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 12-16, 18, and 20-22 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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